

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RUIYAO CHEN)	CASE NO. 5:12CV1588
Plaintiff,)	
)	JUDGE JOHN R. ADAMS
vs.)	
)	
YELLOW TAIL, INC., et al.)	
Defendant.)	<u>ORDER</u>
)	
)	

Pending before the Court is Plaintiffs' motion for sanctions and attorney fees regarding Defendants' employee list. Doc. 64. Plaintiffs' motion for sanctions is DENIED at this time, without prejudice to refile at the conclusion of the case, upon a complete record.

Further pending before the Court is Plaintiffs' motion to compel discovery and award costs. Doc. 74. At issue in this motion was Plaintiffs' contention that Defendant failed to timely reply to Plaintiffs' discovery requests pursuant to Federal Rules of Civil Procedure 37(a)(1), 33 and 34. Plaintiffs filed this motion on December 20, 2013, without first contacting the Court to resolve the discovery issue pursuant to Local Rule 37.1, which requires the parties to bring a discovery issue to the Court's attention prior to the filing of a motion to compel. On January 3, 2014, Defendants responded to the motion to compel, requesting until January 16, 2014 to respond to the discovery requests. Doc. 75. Plaintiffs replied. Doc. 76. On January 16, 2014, Defendants filed a supplemental brief in opposition of the motion to compel, confirming that they had responded to Plaintiffs' discovery requests by email and mailed a DVD containing over 5,000 documents. Doc. 77. Plaintiffs did not reply to counter this assertion, nor have they filed the required status report indicating that there was still an outstanding issue with regard to this discovery request. As such, Plaintiffs' motion to compel is denied as MOOT. Plaintiffs' request

for the costs associated with filing the motion to compel is hereby denied as Plaintiffs failed to follow the procedure outlined in Local Rule 37.1 which would have dramatically reduced, if not eliminated entirely, the need to file the motion and the requisite costs associated with said filing.

In conclusion, Plaintiffs' motion for sanctions is DENIED without prejudice. Doc. 64. Plaintiffs' motion to compel discovery is DENIED as moot and her request for costs is DENIED. Doc. 74.

IT IS SO ORDERED.

DATED: March 18, 2014

/s/ John R. Adams
Judge John R. Adams
UNITED STATES DISTRICT COURT